

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

GEM YIELD BAHAMAS LIMITED and GEM  
GLOBAL YIELD LLC SCS,

Petitioners,

vs.

MULLEN TECHNOLOGIES, INC. and MULLEN  
AUTOMOTIVE, INC.,

Respondents.

Case No. 1:24-cv-01120-KPF

**DECLARATION OF JONATHAN A. PATCHEN**

Jonathan A. Patchen, an attorney admitted to practice before this Court, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a partner with the law firm Willkie Farr & Gallagher LLP, counsel in this proceeding to Petitioners GEM Yield Bahamas Limited and GEM Global Yield LLC SCS (“Petitioners”). I submit this declaration to provide the Court with documents referred to in Petitioners’ Application to Confirm and Enter Judgment on the Partial Final Award.

2. This declaration and its attached exhibits supplement the previous Declaration of Alexander L. Cheney, and its exhibits, filed with the Court on February 20, 2024 in support of Petitioners’ Application to Confirm and Enter Judgment on the Interim Measures Arbitration Award. ECF No. 5.

3. I submit as exhibits hereto true and correct copies of the following documents:

- a. **Exhibit 1**: a stipulation dated December 1, 2022, agreeing to conduct the arbitration proceeding between Petitioners and Respondents Mullen Technologies, Inc. and Mullen Automotive, Inc. (“Mullen” or “Respondents”),

entitled *GEM Yield Bahamas Limited and GEM Global Yield LLC SCS v. Mullen Technologies, Inc. and Mullen Automotive, Inc.*, AAA Case No. 01-21-0016-7001 (the “Arbitration”), by written submissions, and to bifurcate the Arbitration into liability and damages phases.

- b. **Exhibit 2:** Procedural Order No. 10, dated December 3, 2022, issued by Arbitrator Mark C. Morril in the Arbitration, approving and adopting the December 1, 2022 stipulation.

Dated: San Francisco, CA  
February 23, 2024

/s/ Jonathan A. Patchen  
Jonathan A. Patchen

**CERTIFICATE OF SERVICE**

I hereby certify that on February 23, 2024, I caused the foregoing Declaration of Jonathan A. Patchen and its attached exhibits to be served on the following counsel for Respondents via email. The following counsel have confirmed that they represent Respondents in this action and provided written consent to electronic service via email.

David K. Momborquette  
MCDERMOTT WILL & EMERY LLP  
One Vanderbilt Avenue  
New York, New York 10017  
(212) 547-5400  
[dmomborquette@mwe.com](mailto:dmomborquette@mwe.com)

William L. Miltner  
MILTNER & MENCK, APC  
402 West Broadway, Suite 960  
San Diego, California 92101  
(619) 615-5333  
[Bill@miltnerlaw.com](mailto:Bill@miltnerlaw.com)

/s/ Jonathan A. Patchen

Jonathan A. Patchen